

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rules

■ CONCEALED CARRY

The CONCEALED CARRY LICENSING REVIEW BOARD adopted a new Part by emergency rulemaking titled Concealed Carry Licensing Review (20 IAC 2900; 38 Ill Reg 19571), effective 9/18/14 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 38 Ill Reg 19364. The new Part sets forth procedures and requirements for the CCLRB, which was established by the Illinois State Police under the Firearm Concealed Carry Act to review law enforcement agency objections to Firearm Concealed Carry License (FCCL) applications. The CCLRB consists of 7 members appointed by the Governor; 4 members constitutes a quorum, and meetings shall be called by the chairperson as often as necessary to meet the Board's

statutory obligations. If CCLRB determines an objection to be sustainable, it must, within 10 days, notify the affected FCCL applicant of the objection, its basis, and the agency submitting the objection. When reviewing an objection to an FCCL application, the Board may request additional

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information from the applicant, the objecting law enforcement agency or ISP, and may also (by a vote of at least 4 members) request testimony at a hearing from the applicant, his or her counsel, or a representative of ISP or the objecting law enforcement agency. Hearings are closed to the public and shall be limited to instances in which written communications cannot resolve the issue to the Board's

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Proposed Rulemakings

■ HEALTHCARE FACILITIES

DEPARTMENT OF PUBLIC HEALTH proposed amendments to 6 Parts: Hospital Licensing Requirements (77 IAC 250; 38 Ill Reg 19431), Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 38 Ill Reg 19444), Sheltered Care Facilities Code (77 IAC 330; 38 Ill Reg 19458), Illinois Veterans' Homes Code (77 IAC 340; 38 Ill Reg 19470), Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; 38 Ill Reg 19478), and Long-Term Care for Under Age 22 Facilities Code (77 IAC 390; 38 Ill Reg 19491), all implementing Public Act 98-271. The Part 250 amendments require hospital procedures for offering pneumococcal vaccines to patients to be in accordance with the most recent recom-

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

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satisfaction. If the applicant has not previously submitted electronic fingerprints to ISP and these prints may resolve the law enforcement agency's objection, CCLRB will notify the applicant and the applicant will have 30 days after receipt of the notice to

submit fingerprints. The final determination of the Board will be entered into the FCCL database. The Board must also file monthly reports of the number of objections it has received and how many have been affirmed. Local law enforcement agencies and FCCL applicants are affected.

Questions/requests for copies/comments on the proposed rulemaking through 11/17/14: Robinzina Bryant, Chair, CCLRB, 801 S. Seventh St., Suite 1200-A, Springfield IL 62703, 217/782-7658.

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recommendations of the federal Centers for Disease Control and Prevention, and remove language that only requires patients age 65 and older to be offered these vaccines. Amendments to Parts 300, 330, 340, 350 and 390 require all residents of nursing homes and long term care facilities for the developmentally disabled (currently, residents age 65 and older) and residents of pediatric long term care facilities to be offered pneumococcal vaccines. Hospitals and long-term care facilities are affected by these rulemakings.

Questions/requests for copies/comments on the 6 DPH rulemakings through 11/17/14: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, e-mail: dph.rules@illinois.gov

■ WATER POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to Water Quality Standards (35

IAC 302; 38 Ill Reg 19366), Water Use Designations and Site-Specific Water Quality Standards (35 IAC 303; 38 Ill Reg 19401), and Permits (35 IAC 309; 38 Ill Reg 19416), affecting the Chicago Area Waterways System and the Lower Des Plaines River. The Part 302 and 303 rulemakings implement water temperature and chemical concentration standards for these waterways, while the Part 309 amendment allows entities with pollutant discharge permits to use established best management practices for chloride discharges. Businesses and municipalities along these waterways may be affected.

Requests for copies/comments on the 3 PCB rulemakings through 11/17/14: Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620, www.ipcb.state.il.us. Questions: Marie Tipsord, 312/814-4925, marie.tipsord@illinois.gov. Please reference docket R08-09(D).

■ NON-PUBLIC SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments to Voluntary Registration and Recognition of Nonpublic Schools (23 IAC 425; 38 Ill Reg 19502) that require non-public schools seeking SBE recognition to provide evidence of their non-profit status and to meet annually with local first responders to review or revise their emergency/crisis response plans. The rulemaking also clarifies that non-public schools are required by law to conduct daily recitations of the Pledge of Allegiance only if they receive public funds. Non-public K-12 schools that wish to maintain or apply for SBE recognition are affected.

Questions/requests for copies/comments through 11/17/14: Shelley Helton, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

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■ DPH HEARINGS

DEPARTMENT OF PUBLIC HEALTH adopted amendments to Practice and Procedure in Administrative Hearings (77 IAC 100; 37 Ill Reg 15608) effective 9/22/14. The rulemaking updates definitions and referenced and incorporated materials, including Supreme Court rules, and reflects application of the ID/DD Community Care Act to these hearing procedures. The rulemaking aligns appearance, discovery and subpoena provisions with Illinois Supreme Court Rules, the Illinois Code of Civil Procedure and federal regulations concerning discovery of documents belonging to the federal government. The rulemaking also clarifies rules concerning stipulations, objections, filing answers and requesting a hearing, streamlines use of official documents and records, and allocates costs for hearing transcripts. DPH also updated Smoke Free Illinois Act motion provisions, specifically requiring that the motion must be in writing, unless made at hearing, and must set forth the relief or order sought. The rulemaking also requires all parties to promptly update requested discovery until the hearing is concluded with no further requests. Since 1st Notice, DPH has removed the definition of “speaking objections” (those intended to prompt, or having the effect of prompting, a particular response to a witness) and all references to speaking objections; removed provisions

for DPH to issue subpoenas during an investigation prior to any formal action; clarified that attorneys representing DPH need not file appearance forms; and retained (instead of removing) allegations of noncompliance as an item to be included in a notice of opportunity for administrative hearing served upon the respondent (party against whom a complaint is made). Those affected by this rulemaking include persons, businesses or organizations who are appealing DPH actions.

Questions/requests for copies: Susan Meister, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

■ CHILD CARE

DEPARTMENT OF HUMAN SERVICES adopted amendments to Child Care (89 IAC 50; 37 Ill Reg 17140), effective 9/17/14, that implement recommendations from the Child Care Advisory Council and the federal Department of Health and Human Services. DHS is requiring all individuals with access to children in child care to undergo the required background checks and is defining base wages and salary. The rulemaking clarifies eligibility and services for teenage parents and revises the criteria that parents are responsible for reporting to DHS. The rulemaking also revises the list of eligible individuals to whom it will provide child care services,

resources permitting, and requiring child care staff to use the Department computerized case information systems to report an applicant’s participation in a DHS-approved program. Accreditation requirements for social service agencies providing English as a Second Language and other adult education courses/programs are clarified. Child care services for web based classes that an individual may take at any time is no longer prohibited, and an additional day of care for study time will be granted only if approved in advance. Child care will be terminated immediately if DHS determines that the child is no longer enrolled with the approved provider. The rulemaking updates income eligibility criteria, including non-exempt (included) and exempt income. DHS will continue to provide payments to maintain child care services in instances when services would be terminated and has changed the time period for reporting loss of employment or income from 10 to 30 days after the date of loss or break. Child care services can be extended for up to three 30-day periods in any 12 month period. The rulemaking also updates circumstances under which an applicant is exempt from paying a share of child care costs. Since 1st Notice, DHS has included in the list of those eligible for assistance families in which all parents in the household have been called to

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active military duty and the relative caregivers are either employed or in approved education or training activities. Child care providers will be affected.

Questions/requests for copies:
Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

SOS MERIT COMMISSION

The SECRETARY OF STATE adopted amendments to Merit Commission Public Information, Rulemaking and Organization (2 IAC 555; 38 Ill Reg 19566), effective 9/19/14, updating the street address of the Commission to 421 E. Capitol Ave., Springfield.

Questions/requests for copies:
Amy N. Williams, SOS, 298 Howlett Bldg., Springfield IL 62756, awilliams@sos.net.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's October 14, 2014 meeting.

DEPT OF PUBLIC HEALTH

The Dental Student Grant Act (77 IAC 592) proposed 7/25/14 (38 Ill Reg 15847)

Visa Waiver Program for International Medical Graduates (77 IAC 591) proposed 7/25/14 (38 Ill Reg 15816)

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Environmental Health Practitioner Licensing Act (68 IAC 1247) proposed 8/1/14 (38 Ill Reg 16053)

DEPT OF HEALTHCARE AND FAMILY SERVICES

Mental Health Services in Nursing Facilities (89 IAC 145) proposed 7/11/14 (38 Ill Reg 14076)

Mental Health Services in Nursing Facilities (89 IAC 145) proposed 7/18/14 (38 Ill Reg 14772)

Specialized Health Care Delivery Systems (89 IAC 146) proposed 7/18/14 (38 Ill Reg 14779)

Reimbursement for Nursing Costs for Geriatric Facilities (89 IAC 147) proposed 7/18/14 (38 Ill Reg 14781)

Long Term Care Reimbursement Changes (89 IAC 153) proposed 7/18/14 (38 Ill Reg 14802)

Joint Committee on Administrative Rules

Senator Pamela Althoff
Senator Don Harmon
Senator Tony Muñoz
Senator Sue Rezin
Senator Dale A. Righter
Senator Ira Silverstein

Representative Greg Harris
Representative Lou Lang
Representative David Leitch
Representative Don Moffitt
Representative Tim Schmitz
Representative André Thapedi

Vicki Thomas, Executive Director